

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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U.S. COURT OF APPEALS

AUG 16 2024

**TATE DAVID PROWS
BENJAMIN BLANCHARD,**
Petitioners, Next Friends
IN BEHALF OF KURT BENSHOOF

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

Blanchard District Case: 2:24-mc-00043-JNW

Prows Appellate Case: 24-4394

Prows District Case: 0:24-op-04394-JNW

PETITION FOR WRIT OF MANDAMUS:
TO COMPEL PERFORMANCE OF OFFICE AND ISSUE WRIT

28 USC § 1361 & 28 U.S.C. § 1651

Petitioners come before the Honorable Court with this Petition for a Writ of Mandamus to compel Respondents, Western District of Washington, Ninth District to perform their duty and issue a ruling on a Writ of Mandamus for Kurt Benshoof.

PARTIES

Petitioners: Tate David Prows, who resides at 225 W Chestnut St, Oxford, Ohio 45056.

Benjamin Blanchard who resides at 3201 Anata Dr, Zephyrhills FL, 33541.

Prisoner: Kurt Benshoof who is imprisoned at:

King County Correctional Facility, at 500 5th Avenue, Seattle WA 98104,
Preliminary Holding Cells

Respondent: Western Washington District Court, Seattle Division,

700 Stewart Street, Suite 2310, Seattle, WA 98101

TIMELINE OF NON EXECUTED WRITS OF HABEAS

1. Petitioner Blanchard filed his Petition for Writ of Habeas into Western Washington District Court, Tacoma on 07/15/2024 utilizing notice of 28 USC § 1443 (1 & 2) as Prisoner Benshoof was being held without Pro Se materials to continue litigating his numerous Federal, State, and Municipal Cases and arrested under suspicious circumstances with a non verifiable warrant and on unsubstantiated charges.
2. Blanchard's Petition was Docketed as a miscellaneous case: 2:24-mc-00043-JNW.
3. Petitioner Prows's Petition, 24-4394, was received by this Appellate Court, on 07/16/2024, and Docketed 0:24-op-04394-JNW, in Western District Court, Washington on 07/17/2024.
4. Prisoner Benshoof, on 08/06/2024, entered his own Petition for Writ of Habeas into 2:24-cv-01110-JNW, submitted from scrap paper clean enough to pencil on, and was filed by Next Friend Molly Anderson, who received it surreptitiously from Benshoof during one of his Muni/State Court appearances.

IS HABEAS STILL THE GREAT WRIT
OUR FOUNDING FATHERS DEEMED IT?

The Western Washington District Court Judges believe they can imperiously ignore three Petitions for Writs of Habeas Corpus, two of them over a month, which are to be executed within three days. (28 USCA § 2243.)

There have been no decisions or executions of all three Writs within any reasonable timeframe instructed by § 2243 within the Seattle District Court. Benshoof's paper scrounged petition evidences he lacks even the meanest ability to defend himself in all of his cases from 11th Appellate to King County Municipal(KCM). KCM will not even grant him the most basic access to computers that an incarcerated Pro Se has in General Population, because he is STILL being held in the Processing Cells since 07/03/2024.

Every single one of these Benshoof cases that the 9th Circuit and 9th District is dealing with, stems from a single Lack of Jurisdiction under RCW 26.09.050 in the Washington Municipal Cases, contested from the beginning by Benshoof who does not fit the parameters defined.

Benshoof has desperately been trying to "get an adult in the room," as the mantra has become for every Pro Se across America. We, *Next Friends* from spanning the United States and hailing from Florida and Ohio, have digitally exercised our right to Associate with Benshoof, and built strong bonds with him long before he was imprisoned. We have spent money, time, energy and resources trying to successfully execute two Petitions for Habeas Corpus that the Seattle District can't even bother to look at.

28 U.S.C. § 144

The cornerstone of American Justice is the impartial Judge who discerns all cases with an unbiased eye. When the potential Bias or Prejudice of a Judge is raised, it is in the best interest of the System for that Judge to recuse themselves. Benshoof has crossed paths with practically every Judge in the Western District, and at this point there is implicit evidence of a Bias, if Judge Whitehead cannot even execute a Writ of Habeas as instructed by the 9th Circuit Court.

From an external viewpoint, Benshoof has labored mightily against Judicial Bias, as case by case of his goes unrepresented, and the Judicial Juggernaut steamrolls along, all Judges knowing he is incarcerated and cannot defend himself. Benshoof has a Federal Case against Judge Whitehead, and there is no snowballs chance in Hell, that Judge Whitehead can be impartial, despite what Chief Judge David G. Estudillo believes in his Order, [DK 16] 2:24-cv-00382-JNW.

“Recusal of judge for judge’s alleged personal bias was not warranted by fact that in previous case Court of Appeals reversed judge’ sanction order...but instead to preserve appearance of justice **in what had become a complicated and acrimonious case.**” 28 U.S.C.A. Sections 144, 455. Yagman v. Republic Ins., 987 F.2d 622 (9th Cir, 1993).

The Municipal, State, and District Courts of Washington have become embedded in one of the most Complicated and Acrimonious disputes possible, an entire State Judicial System pitted against a Pro Se litigant. Indeed, all because he has correctly shown, the Emperor has no clothes, or, put more simply, the Court has no jurisdiction.

The biggest goal of either Petitioner's Writ of Habeas, has been to give Kurt Benshoof the chance he needs to defend himself in all of his cases, unmolested, unhindered, and with an unbiased Judge and adequate materials to do so. Either Petitioner would wish the same, if by some chance they became unlawfully incarcerated.

Under penalties of perjury, I declare that I have read the foregoing petition and that the facts stated in it are true.

Respectfully submitted this 14th day of August, 2024



Benjamin Blanchard
3201 Anata Dr
Zephyrhills, FL 33541
Bennyblanch@protonmail.com

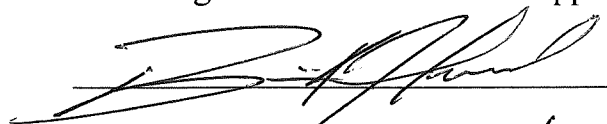
State of FLORIDA County of Pasco

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or

☐ online notarization, this 14th day of August, 2024 by Benjamin

Blanchard who produced FL DL B452 - 065 - 79 - 169 - 0 as identification,

regarding the attached instrument described as: **Petition for Writ of Mandamus**, and to
whose signature this notarization applies.



notary public signature

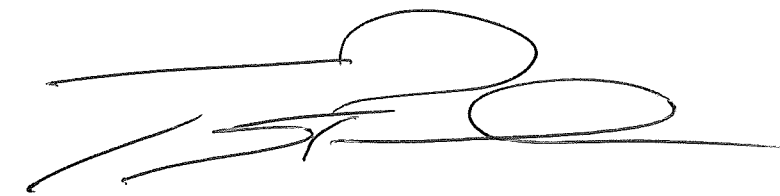
Brian K HAMMOND

notary public printed name

Seal



BRIAN K. HAMMOND
Notary Public
State of Florida
Comm# HH336265
Expires 11/29/2026



Tate David Prows
225 W Chestnut St,
Oxford, Ohio 45056
Tatemo22@yahoo.com
(513) 460-2078

State of OHIO County of Butler

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or

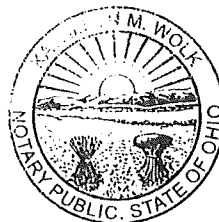
☐ online notarization, this 15th day of August, 2024 by Tate David Prows,

who produced a Drivers License as identification, regarding the attached instrument described as: **Petition for Writ of Mandamus**, and to whose signature this notarization applies.

Kathleen Wolk notary public signature

KATHLEEN M. WOLK notary public printed name

Seal

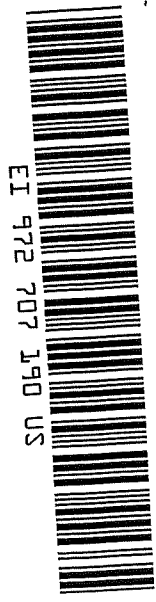


KATHLEEN M. WOLK

NOTARY PUBLIC
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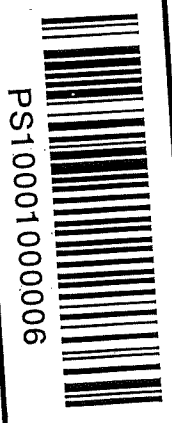
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